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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,260	11/25/2003	Sethu K. Madhavan	GP-304329 2760/154	6376

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General Motors Corporation
300 Renaissance Center
Mail Code 482-C23-B21
P.O. Box 300
Detroit, MI 48265-3000

EXAMINER

RAMOS FELICIANO, ELISEO

ART UNIT	PAPER NUMBER
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2687

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/722,260

Applicant(s)

MADHAVAN ET AL.

Examiner

Eliseo Ramos-Feliciano

Art Unit

2687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Frisbie (US Patent Number 3,731,201).

Regarding **claims 1, 7 and 12**, Frisbie discloses a method (corresponding system and computer usable medium including computer program code) for establishing a telephony data connection to a receiver the invention comprising:

initiating the telephony connection (call) at a source location (telephone – column 4, lines 41-44);

generating a carrier signal for the connection (Figure 2A);

modifying the carrier signal (Figure 2B, 2C);

sending the modified carrier signal to the receiver (radio telephone system – column 4, lines 34-44). See column 3, lines 1-31.

However, Frisbie fails to specify that the telephony connection is data and receiving identification data from the receiver as claimed. Nevertheless, both features are either suggested by Frisbie or well known in the art. The Examiner takes Official Notice of these notions.

For example, Frisbie teaches that the unit may be adapted to work into a mobile type telephone system, thereby providing a personal telephone (column 4, lines 42-44). Conventional

mobile telephones can transmit/receive data; therefore, initiate a telephony data connection. For the advantage of enhanced services, increased versatility, and therefore, to make it more attractive for sales. In addition, a personal telephone in a mobile type telephone system must receive identification data from the receiver (network/base station) in order to properly communicate. This identification data can be mobile ID, base station ID, network ID, etc.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide Frisbie with telephony data connection and with receiving identification data from the receiver for the advantage of enhanced services, increased versatility, and therefore, to make it more attractive for sales; in addition, identification data from the receiver is necessary in order to properly communicate; as suggested by Frisbie.

Regarding **claims 2, 8 and 13**, Frisbie discloses everything claimed as applied above (see *claims 1, 7 and 12*). In addition, the modified carrier signal (for example, Figure 2B) includes a period of quiescence (between B1 and B2) in the carrier signal at a substantially regular interval (the quiescence interval is regular for steady state – column 3, lines 3-11).

Regarding **claims 3, 5-6, 9-11, 14 and 16-17**, Frisbie discloses everything claimed as applied above (see *claims 1-2, 7-8 and 12-13*). However, Frisbie fails to specify that the carrier signal has a frequency of 2225 Hz; that the period of quiescence has a duration of substantially 240 milliseconds; or that the interval has a duration of substantially 3 seconds.

Nevertheless, these are particular requirements of a particular system; therefore, an obvious expedient of engineering design choice.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to specify that the carrier signal has a frequency of 2225 Hz; that the

Art Unit: 2687

period of quiescence has a duration of substantially 240 milliseconds; or that the interval has a duration of substantially 3 seconds as claimed because these are particular values/requirements would result to be the best engineering design choice for that system in particular.

Regarding **claims 4 and 15**, Frisbie discloses everything claimed as applied above (see *claims 1 and 12*). In addition, the receiver can be fairly characterized as a telematics unit (column 4, lines 34-44).

Conclusion

3. Any inquiry concerning this communication from the examiner should be directed to Eliseo Ramos-Feliciano whose telephone number is 571-272-7925. The examiner can normally be reached from 8:00 a.m. to 5:30 p.m. on 5-4/9 1st Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid, can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 9/17/05
ELISEO RAMOS-FELICIANO
PATENT EXAMINER

ERF/erf

September 17, 2005